

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 SUPERIOR COURT
 YAVAPAI COUNTY, ARIZONA
 FOR THE COUNTY OF YAVAPAI

2012 FEB 15 AM 8:54

SANDRA A. HANNAH, CLERK

BY: C. Hunt

STATE OF ARIZONA,)

Plaintiff,)

vs.)

JAMES ARTHUR RAY,)

Defendant.)

Case No. V1300CR201080049

Court of Appeals

Case No. 1 CA-CR 11-0895

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE WARREN R. DARROW

PRETRIAL CONFERENCE

JUNE 22, 2010

Camp Verde, Arizona

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI
3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No V1300CR201080049
7 JAMES ARTHUR RAY,) Court of Appeals
8 Defendant) Case No. 1 CA-CR 11-0895
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15 BEFORE THE HONORABLE WARREN R DARROW
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17 JUNE 22, 2010
18 Camp Verde, Arizona
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24 REPORTED BY
25 MINA G HUNT
AZ CR NO 50619
CA CSR NO 8335

Mina G Hunt (928) 554-8522

1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Tuesday, June 22,
3 2010, at Yavapai County Superior Court,
4 Division Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G. Hunt, Certified
6 Reporter within and for the State of Arizona.
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1 APPEARANCES OF COUNSEL

2 For the Plaintiff:

3 YAVAPAI COUNTY ATTORNEY'S OFFICE
4 BY: SHEILA SULLIVAN POLK, ATTORNEY
5 BY: STEVEN SISNEROS, ATTORNEY
6 255 East Gurley
7 Prescott, Arizona 86301-3868

8 For the Defendant.

9 THOMAS K KELLY, PC
10 BY: THOMAS K KELLY, ATTORNEY
11 425 East Gurley
12 Prescott, Arizona 86301-0001

13 MUNGER TOLLES & OLSON, LLP
14 BY TRUC DO, ATTORNEY
15 355 South Grand Avenue
16 Thirty-fifth Floor
17 Los Angeles, California 90071-1560
18 (Appearing by telephone)

19 For victims Jane Shore and Alyssa Gillespie

20 GALLAGHER & KENNEDY PA
21 BY SHANNON CLARK, ATTORNEY
22 2575 E Camelback Rd, Phoenix, AZ, 85016
23 (Appearing by telephone.)

24 For victims the Brown family

25 STONE & MAGNANINI, LLP
BY: ROBERT A MAGNANINI, ATTORNEY
575 Lexington Avenue
New York, NY 10022
(Appearing by telephone.)

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1 PROCEEDINGS

2 THE COURT I'm going to call the case of
3 State versus James Arthur Ray in a moment. I know
4 there are people on the phone. I'm going to go
5 ahead and call the case first here. This is
6 V1300CR201080049, State versus James Arthur Ray.

7 Mr. Ray's appearance has been waived --
8 his personal appearance Mr Kelly is here in
9 person representing Mr Ray. Ms. Polk is here with
10 Mr Sisneros on behalf of the state. And I have on
11 the phone the following persons. And I'd
12 appreciate, folks, if you would just acknowledge
13 when I call your name, we've made the connection.

14 Truc Do?

15 MS. DO. Good morning, Your Honor

16 THE COURT: Good morning And cocounsel for
17 Mr. Ray

18 Then Andrea Puckett, the daughter of Liz
19 Neuman. Are you there, Ms Puckett?

20 I'm sorry. She's not there. Sarah
21 Oldre, sister of Liz Neuman?

22 MS OLDRE: Yes I'm here.

23 THE COURT. Thank you.

24 George Brown?

25 MR. BROWN: Yes. I'm here.

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1 THE COURT: Thank you.
 2 And Robert Magnanini?
 3 MR. MAGNANINI: Present, Your Honor.
 4 THE COURT: Thank you.
 5 And Shannon Clark?
 6 MR. CLARK: Good morning. I need to drop off
 7 at about 9:30 for another --
 8 THE COURT: Thank you. You're welcome.
 9 This is the time set for pretrial
 10 conference. I'm going to ask the parties -- I'll
 11 start with the state as to an update on how things
 12 are proceeding and what might need to be addressed
 13 by the Court.
 14 Ms. Polk.
 15 MS. POLK: Good morning, Your Honor. The
 16 matter is proceeding. The parties are engaging in
 17 discovery and interviews. And I'm not aware of any
 18 issues for the Court this morning.
 19 THE COURT: Oh, okay.
 20 Mr. Kelly.
 21 MR. KELLY: Judge, I would defer to Ms. Do.
 22 THE COURT: Ms. Do, Mr. Kelly has indicated
 23 you would inform me of some issues that the Court
 24 needs to be involved in.
 25 MS. DO: Just to apprise the Court, we are
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1 engaged in discovery and interviewing the state's
 2 witnesses. There is a discovery issue that has
 3 come up. And Mr. Ray will be filing a discovery
 4 motion to compel disclosure. And we are attempting
 5 to file all of our motions in advance, most of our
 6 motions in advance, of the Court's July 9 cut-off
 7 date.
 8 I believe on April 26, the last status
 9 conference, Your Honor had asked or suggested that
 10 the parties expedite the briefing schedule to
 11 accommodate the July 20 and 21 hearing dates. And
 12 we are attempting to do that.
 13 THE COURT: Okay. Thank you.
 14 Obviously with discovery issues I'd
 15 prefer that that be discussed. Has there been
 16 discussion among the attorneys in any way about
 17 this discovery issue?
 18 MS. DO: We have had correspondence back and
 19 forth attempting to meet and confer. Without
 20 having to, unless the Court wants to, get into
 21 details, essentially, the state has asserted a
 22 work-product claim as to discovery that we are
 23 seeking on the cause-of-death issue from the
 24 medical examiners.
 25 And so we will be filing that motion to
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1 compel. If not the end of this week, by early next
 2 week. But unless Ms. Polk believes that there is
 3 additional room for a meet and confer, I think
 4 we've exhausted that.
 5 THE COURT: I just wanted to double check on
 6 that. Let me note also I have another notice here
 7 on the bench that Lily and Tom Clark are also
 8 present as well.
 9 MS. DO: Other than the discovery issue, I
 10 know that the Court has set July 20 and 21 aside
 11 for hearings. And I know that that is all day,
 12 9:00 to 5:00. There is a possibility that we'll be
 13 asking the Court for some additional days. One of
 14 our motions will be a motion requesting an
 15 evidentiary hearing under State versus Terrazas in
 16 regard to the 404(b) prior bad acts. And that may
 17 require more than the two days that the Court has
 18 set aside.
 19 THE COURT: Has there been any discussion
 20 between the parties about 404(b), about that?
 21 MS. DO: Yes. Again, we've invited the state
 22 to meet and confer on a number of evidentiary
 23 issues to try and determine whether some of our
 24 motions may be unnecessary. Of course, we
 25 recognize that to be a two-way street. And I think
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1 Ms. Polk is inclined to do that. We haven't yet.
 2 So it may or may not become a necessary motion.
 3 But I wanted to give the Court a heads up on that.
 4 THE COURT: Ms. Polk, do you care to
 5 address -- do you feel the need to address anything
 6 that's been raised by Ms. Do at this time?
 7 MS. POLK: No, Your Honor.
 8 THE COURT: Okay.
 9 I appreciate getting the motions filed a
 10 little bit sooner. I think what happened is the
 11 motion deadline was set when I set the trial dates.
 12 And then the possible time that would be available
 13 came up later. And there is only 11 days or so
 14 between -- well, I guess it was less than two weeks
 15 anyway between the two dates. It would not provide
 16 adequate reply time.
 17 So at this time I'm going to confirm the
 18 dates, ask that the motions be filed as soon as
 19 possible. Again, in this case pleadings are to be
 20 done, served, by some prompt fashion. But no
 21 mailing, please. Obviously you can follow up with
 22 mailing. But email, fax, personal service, if
 23 that's possible but nothing that would just add
 24 that additional time.
 25 So I will confirm the current settings,
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1 trial dates, the existing conditions of release as
2 well.

3 Ms. Polk, anything further from the
4 state?

5 MS. POLK: No, Your Honor. Thank you.

6 THE COURT: Mr. Kelly?

7 MR. KELLY: No, sir. Thank you.

8 THE COURT: Thank you.

9 Everyone who is on the phone, we'll go
10 ahead and hang up at this time. Thank you.

11 MS. DO: Thank you.

12 THE COURT: Okay.

13 (The proceedings concluded.)
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1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss. REPORTER'S CERTIFICATE

3
4 I, Mina G Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action

16 In witness whereof, I have affixed my
17 signature this 13th day of February, 2012
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24 MINA G HUNT, AZ CR No 50619
25 CA CSR No 8335

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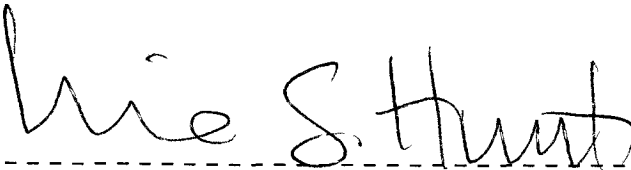
1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE
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13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 13th day of February, 2012.
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23 MINA G. HUNT, AZ CR No. 50619
24 CA CSR No. 8335
25